

PHILLIP A. TALBERT
United States Attorney
JUSTIN J. GILIO
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

JOSE DUEÑAS ET AL.,

Defendants.

CASE NO. 1:24-CR-00033-NODJ-BAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER**

DATE: 6/12/2024

DATE: 6/12/2021

TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on 6/12/2024.

2. By this stipulation, defendants now move to continue the status conference until

10/9/2024, and to exclude time between 6/12/2024, and 10/9/2024, under 18 U.S.C. § 3161(h)(7)(A), B (i) (ii), and (iv).

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes wiretap recordings, thousands of pages of investigative reports, surveillance video recordings, cell phone extractions, and other voluminous materials. All of this discovery has either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendants desires additional time consult with his/her client, review

1 the voluminous discovery, conduct independent investigation, and pursue a potential pretrial
2 resolution of the case.

3 c) Counsel for defendants believes that failure to grant the above-requested
4 continuance would deny him/her the reasonable time necessary for effective preparation, taking
5 into account the exercise of due diligence.

6 d) The government does not object to the continuance.

7 e) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendant in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of 6/12/2024 to 10/9/2024, inclusive,
12 is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) (ii), and (iv) because it is so
13 unusual or so complex, due to the number of defendants, the nature of the prosecution, or the
14 existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation
15 for pretrial proceedings or for the trial itself within the time limits established by this section and
16 because failure to grant the continuance would deny the defendant reasonable time to obtain
17 counsel, would unreasonably deny the defendant or the Government continuity of counsel, or
18 would deny counsel for the defendant or the attorney for the Government the reasonable time
19 necessary for effective preparation, taking into account the exercise of due diligence.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

5
6 Dated: June 3, 2024

7 PHILLIP A. TALBERT
United States Attorney

8 _____
9 /s/ JUSTIN J. GILIO
10 JUSTIN J. GILIO
11 Assistant United States Attorney

12 Dated: June 3, 2024

13 _____
14 /s/ Nicholas Reyes
15 Nicholas Reyes
16 Counsel for Defendant
17 JOSE DUENAS

18 Dated: June 3, 2024

19 _____
20 /s/ Anthony Capozzi
21 Anthony Capozzi
22 Counsel for Defendant
23 HECTOR DUENAS

24 Dated: June 3, 2024

25 _____
26 /s/ Roger Wilson
27 Roger Wilson
28 Counsel for Defendant
EDUARDA MENDOZA
SANCHEZ

29 Dated: June 3, 2024

30 _____
31 /s/ Steven Crawford
32 Steven Crawford
33 Counsel for Defendant
34 ANTHONY VARELA

ORDER

IT IS SO ORDERED that the status conference is continued from June 12, 2024, to **October 9, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: June 4, 2024

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE